United Nations A/59/514

General Assembly

Distr.: General
18 November 2004

Original: English

Fifty-ninth session
Agenda item 148

Measures to eliminate international terrorism

Report of the Sixth Committee

Rapporteur: Ms. Anna **Sotaniemi** (Finland)

I. Introduction

1. The item entitled "Measures to eliminate international terrorism" was included in the provisional agenda of the fifty-ninth session of the General Assembly pursuant to Assembly resolution 58/81 of 9 December 2003.

2. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.

3. The Sixth Committee considered the item at its 1st, 7th to 10th and 26th meetings, on 4 and from 18 to 20 October and on 17 November 2004. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/59/SR.1, 7-10 and 26).

4. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996;[1]

(b) Report of the Secretary-General on measures to eliminate international terrorism (A/59/210 and Corr.1);

(c) Report of the Working Group on measures to eliminate international terrorism (A/C.6/59/L.10);

(d) Letter dated 12 May 2004 from the Permanent Representative of the Sudan to the United Nations addressed to the Secretary-General transmitting the Khartoum Declaration on Combating Terrorism and Transnational Organized Crime,

[1] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 37* (A/59/37).

issued by the States members of the Intergovernmental Authority on Development at Khartoum, on 19 January 2004 (A/59/83-S/2004/387);

(e) Letter dated 1 July 2004 from the Permanent Representative of Uzbekistan to the United Nations addressed to the Secretary-General transmitting the Tashkent Declaration by the heads of State of the members of the Shanghai Cooperation Organization, issued at Tashkent on 17 June 2004 (A/59/124-S/2004/532);

(f) Letter dated 8 September 2004 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General transmitting the address by Vladimir Putin, President of the Russian Federation, on 4 September 2004 (A/59/337-S/2004/721);

(g) Letter dated 16 September 2004 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General transmitting a joint statement entitled "Central Asia + Japan", issued at Astana on 28 August 2004 (A/59/368-S/2004/747);

(h) Letter dated 21 September 2004 from the Permanent Representative of Cuba to the United Nations addressed to the Secretary-General (A/59/371);

(i) Identical letters dated 23 September 2004 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General and the President of the Security Council (A/59/380-S/2004/757);

(j) Letter dated 22 September 2004 from the Minister for Foreign Affairs and Worship of Costa Rica addressed to the Secretary-General transmitting a memorandum concerning the proposed establishment of a post of United Nations High Commissioner on Terrorism (A/59/383-S/2004/758);

(k) Letter dated 1 October 2004 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General transmitting the final communiqué of the annual coordination meeting of Ministers for Foreign Affairs of the States members of the Organization of the Islamic Conference, held in New York on 28 September 2004 (A/59/425-S/2004/808);

(l) Letter dated 27 October 2004 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General transmitting the statement by the heads of the member States of the Commonwealth of Independent States on combating international terrorism, issued at Astana on 16 September 2004 (A/59/537-S/2004/868);

(m) Letter dated 27 October 2004 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General transmitting a statement by the State Duma of the Federal Assembly of the Russian Federation on international cooperation to combat terrorism, issued in Moscow, on 22 September 2004 (A/59/538);

(n) Letter dated 27 October 2004 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General transmitting the declaration of the Ministers for Foreign Affairs of the States members of the Conference on Interaction and Confidence-Building Measures in Asia, adopted at Almaty, Kazakhstan, on 22 October 2004 (A/59/541-S/2004/873);

(o) Letter dated 2 November 2004 from the Permanent Representative of Israel to the United Nations addressed to the Secretary-General (A/59/548-S/2004/880).

5. Pursuant to paragraph 16 of General Assembly resolution 58/81, the Committee, at its 1st meeting, on 4 October, established a working group to continue the elaboration of a draft comprehensive convention on international terrorism, with appropriate time allocated to the continued consideration of outstanding issues relating to the elaboration of a draft international convention for the suppression of acts of nuclear terrorism, and decided to keep on its agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations. At the same meeting, the Committee elected Rohan Perera (Sri Lanka) as Chairman of the Working Group, which held two plenary meetings, on 5 and 8 October.

6. At the 7th meeting, on 18 October, the Chairman of the Ad Hoc Committee and the Working Group introduced the report of the Ad Hoc Committee and the report of the Working Group (see A/C.6/59/SR.7).

II. Consideration of draft resolution A/C.6/59/L.19

7. At the 26th meeting, on 17 November, the representative of Canada, on behalf of the Bureau, introduced a draft resolution entitled "Measures to eliminate international terrorism" (A/C.6/59/L.19).

8. At the same meeting, the Secretary of the Committee made a statement regarding the programme budget implications of the draft resolution (see A/C.6/59/SR.26).

9. Also at the same meeting, the Committee adopted draft resolution A/C.6/59/L.19 without a vote (see para. 11).

10. After the adoption of the draft resolution, the representatives of Tunisia and Venezuela made statements in explanation of position (see A/C.6/59/SR.26).

III. Recommendation of the Sixth Committee

11. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Measures to eliminate international terrorism

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations,

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[1]

Recalling also the United Nations Millennium Declaration,[2]

Recalling further the Declaration on Measures to Eliminate International Terrorism, contained in the annex to General Assembly resolution 49/60 of 9 December 1994, and welcoming the celebration this year of the tenth anniversary of its adoption, and recalling the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, contained in the annex to resolution 51/210 of 17 December 1996,

Recalling all General Assembly and Security Council resolutions on measures to eliminate international terrorism,

Convinced of the importance of the consideration of measures to eliminate international terrorism by the General Assembly as the universal organ having competence to do so,

Deeply disturbed by the persistence of terrorist acts, which have been carried out worldwide,

Reaffirming its strong condemnation of the heinous acts of terrorism that have caused enormous loss of human life, destruction and damage, including those which prompted the adoption of General Assembly resolution 56/1 of 12 September 2001, as well as Security Council resolutions 1368 (2001) of 12 September 2001, 1373 (2001) of 28 September 2001 and 1377 (2001) of 12 November 2001, and those that have occurred since the adoption of General Assembly resolution 58/81 of 9 December 2003,

Recalling the strong condemnation of the atrocious and deliberate attack against the headquarters of the United Nations Assistance Mission for Iraq in Baghdad on 19 August 2003 in General Assembly resolution 57/338 of 15 September 2003 and Security Council resolution 1502 (2003) of 26 August 2003,

Affirming that States must ensure that any measure taken to combat terrorism complies with all their obligations under international law and should adopt such measures in accordance with international law, in particular international human rights, refugee and humanitarian law,

---

[1] See resolution 50/6.

[2] See resolution 55/2.

Stressing the need to strengthen further international cooperation among States and among international organizations and agencies, regional organizations and arrangements and the United Nations in order to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, in accordance with the principles of the Charter, international law and the relevant international conventions,

Noting the role of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism in monitoring the implementation of that resolution, including the taking of the necessary financial, legal and technical measures by States and the ratification or acceptance of the relevant international conventions and protocols,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism, and of the proposals of the Secretary-General to enhance the role of the Organization in this respect,

Mindful also of the essential need to strengthen international, regional and subregional cooperation aimed at enhancing the national capacity of States to prevent and suppress effectively international terrorism in all its forms and manifestations,

Reiterating its call upon States to review urgently the scope of the existing international legal provisions on the prevention, repression and elimination of terrorism in all its forms and manifestations, with the aim of ensuring that there is a comprehensive legal framework covering all aspects of the matter,

Emphasizing that tolerance and the enhancement of dialogue among civilizations are among the most important elements in promoting cooperation and success in combating terrorism,

Reaffirming that no terrorist act can be justified in any circumstances,

Taking note of the Final Document of the Thirteenth Conference of Heads of State or Government of Non-Aligned Countries, adopted in Kuala Lumpur on 25 February 2003,[3] which reiterated the collective position of the Movement of Non-Aligned Countries on terrorism and reaffirmed the previous initiative of the Twelfth Conference of Heads of State or Government of Non-Aligned Countries, held in Durban, South Africa, from 29 August to 3 September 1998,[4] calling for an international summit conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations, as well as other relevant initiatives,

Bearing in mind the recent developments and initiatives at the international, regional and subregional levels to prevent and suppress international terrorism, including those identified in the annex to the present resolution,

Recalling its decision in resolutions 54/110 of 9 December 1999, 55/158 of 12 December 2000, 56/88 of 12 December 2001, 57/27 of 19 November 2002 and 58/81 that the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 should address, and keep on its agenda, the question of convening a high-level conference under the auspices of the United Nations to

[3] A/57/759-S/2003/332, annex I.

[4] See A/53/667-S/1998/1071, annex I, paras. 149-162.

formulate a joint organized response of the international community to terrorism in all its forms and manifestations,

Aware of resolutions 57/219 of 18 December 2002 and 58/187 of 22 December 2003,

Noting regional efforts to prevent, combat and eliminate terrorism in all its forms and manifestations, wherever and by whomsoever committed, including through the elaboration of and adherence to regional conventions,

Having examined the report of the Secretary-General,[5] the report of the Ad Hoc Committee established by resolution 51/210[6] and the report of the Working Group of the Sixth Committee established pursuant to resolution 58/81,[7]

1. *Strongly condemns* all acts, methods and practices of terrorism in all its forms and manifestations as criminal and unjustifiable, wherever and by whomsoever committed;

2. *Reiterates* that criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstances unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or other nature that may be invoked to justify them;

3. *Reiterates its call upon* all States to adopt further measures in accordance with the Charter of the United Nations and the relevant provisions of international law, including international standards of human rights, to prevent terrorism and to strengthen international cooperation in combating terrorism and, to that end, to consider in particular the implementation of the measures set out in paragraphs 3 (*a*) to (*f*) of resolution 51/210;

4. *Also reiterates its call upon* all States, with the aim of enhancing the efficient implementation of relevant legal instruments, to intensify, as and where appropriate, the exchange of information on facts related to terrorism and, in so doing, to avoid the dissemination of inaccurate or unverified information;

5. *Reiterates its call upon* States to refrain from financing, encouraging, providing training for or otherwise supporting terrorist activities;

6. *Urges* States to ensure that their nationals or other persons and entities within their territory that wilfully provide or collect funds for the benefit of persons or entities who commit, or attempt to commit, facilitate or participate in the commission of terrorist acts are punished by penalties consistent with the grave nature of such acts;

7. *Reminds* States of their obligations under relevant international conventions and protocols and Security Council resolutions, including Security Council resolution 1373 (2001), to ensure that perpetrators of terrorist acts are brought to justice;

---

[5] A/59/210 and Corr.1.

[6] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 37* (A/59/37).

[7] A/C.6/59/L.10.

8. *Reaffirms* that international cooperation as well as actions by States to combat terrorism should be conducted in conformity with the principles of the Charter, international law and relevant international conventions;

9. *Urges* all States that have not yet done so to consider, as a matter of priority, and in accordance with Security Council resolutions 1373 (2001), and 1566 (2004) of 8 October 2004, becoming parties to the relevant conventions and protocols as referred to in paragraph 6 of General Assembly resolution 51/210, as well as the International Convention for the Suppression of Terrorist Bombings[8] and the International Convention for the Suppression of the Financing of Terrorism,[9] and calls upon all States to enact, as appropriate, the domestic legislation necessary to implement the provisions of those conventions and protocols, to ensure that the jurisdiction of their courts enables them to bring to trial the perpetrators of terrorist acts, and to cooperate with and provide support and assistance to other States and relevant international and regional organizations to that end;

10. *Urges* States to cooperate with the Secretary-General and with one another, as well as with interested intergovernmental organizations, with a view to ensuring, where appropriate within existing mandates, that technical and other expert advice is provided to those States requiring and requesting assistance in becoming parties to and implementing the conventions and protocols referred to in paragraph 9 above;

11. *Notes with appreciation and satisfaction* that, consistent with the call contained in paragraph 7 of resolution 58/81, a number of States became parties to the relevant conventions and protocols referred to therein, thereby realizing the objective of wider acceptance and implementation of those conventions;

12. *Reaffirms* the Declaration on Measures to Eliminate International Terrorism and the Declaration to Supplement the 1994 Declaration on Measures to Eliminate International Terrorism, and calls upon all States to implement them;

13. *Calls upon* all States to cooperate to prevent and suppress terrorist acts;

14. *Urges* all States and the Secretary-General, in their efforts to prevent international terrorism, to make the best use of the existing institutions of the United Nations;

15. *Welcomes* the continuing efforts of the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime in Vienna, after reviewing existing possibilities within the United Nations system, to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism, and recognizes, in the context of Security Council resolution 1373 (2001), its role in assisting States in becoming parties to and implementing the relevant international conventions and protocols relating to terrorism;

16. *Invites* regional intergovernmental organizations to submit to the Secretary-General information on the measures they have adopted at the regional level to eliminate international terrorism, as well as on intergovernmental meetings held by those organizations;

[8] Resolution 52/164, annex.

[9] Resolution 54/109, annex.

17. *Notes* the progress attained in the elaboration of the draft comprehensive convention on international terrorism and the draft international convention for the suppression of acts of nuclear terrorism during the meetings of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 and the Working Group of the Sixth Committee established pursuant to General Assembly resolution 58/81;

18. *Decides* that the Ad Hoc Committee shall, on an expedited basis, continue to elaborate the draft comprehensive convention on international terrorism and to resolve the outstanding issues relating to the elaboration of the draft international convention for the suppression of acts of nuclear terrorism as a means of further developing a comprehensive legal framework of conventions dealing with international terrorism, and shall keep on its agenda the question of convening a high-level conference under the auspices of the United Nations to formulate a joint organized response of the international community to terrorism in all its forms and manifestations;

19. *Decides also* that the Ad Hoc Committee shall meet from 28 March to 1 April 2005 in order to fulfil the mandate referred to in paragraph 18 above, and that the work shall continue, if necessary, during the sixtieth session of the General Assembly, within the framework of the Working Group of the Sixth Committee;

20. *Requests* the Secretary-General to continue to provide the Ad Hoc Committee with the necessary facilities for the performance of its work;

21. *Also requests* the Secretary-General to make a comprehensive inventory of the response of the Secretariat to terrorism as part of his report on measures to eliminate international terrorism;

22. *Requests* the Ad Hoc Committee to report to the General Assembly at its fifty-ninth session in the event of the completion of the draft comprehensive convention on international terrorism or the draft international convention for the suppression of acts of nuclear terrorism;

23. *Also requests* the Ad Hoc Committee to report to the General Assembly at its sixtieth session on progress made in the implementation of its mandate;

24. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Measures to eliminate international terrorism".

Annex

African Union

Second High-Level Intergovernmental Meeting on the Prevention and Combating of Terrorism in Africa, and inauguration of the African Centre for Studies and Research on Terrorism, Algiers, 13 and 14 October 2004

Andean Community

Subregional workshop on the regional fight against terrorism, Lima, 26 and 27 January 2004

Association of Southeast Asian Nations

Fourth ASEAN Ministerial Meeting on Transnational Crime, Bangkok, 8 January 2004

First ASEAN Plus Three Ministerial Meeting on Transnational Crime, Bangkok, 10 January 2004

European Union

European Council meetings with a focus on terrorism, Brussels, 25 and 26 March and 17 and 18 June 2004

Organization of American States

Fourth regular session of the Inter-American Committee against Terrorism, Montevideo, 28-30 January 2004

Shanghai Cooperation Organization

Summit Meeting of the Shanghai Cooperation Organization for the establishment of the Regional Anti-Terrorism Structure, Tashkent, 17 June 2004

South Asian Association for Regional Cooperation

Twelfth SAARC Summit, Islamabad, 4-6 January 2004

Other meetings

Bali Regional Ministerial Meeting on Counter-Terrorism, convened by Indonesia and Australia, Bali, Indonesia, 4 and 5 February 2004